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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

DWAYNE AUSTIN, individually and on : Civil Action No.: 2:21-cv-02100-KJM-DB
behalf of all persons similarly situated, :

Plaintiff,

v.

FINISHLINE EXPRESS LLC and DHL
EXPRESS (USA) INC. d.b.a. DHL
EXPRESS,

Defendants.

CLASS AND COLLECTIVE ACTION

JURY TRIAL DEMANDED

**STIPULATION AND ORDER TO CONTINUE STAY OF CASE
PENDING ALTERNATIVE DISPUTE RESOLUTION AND TOLLING**

STIPULATION AND ORDER TO CONTINUE TO STAY CASE
PENDING ALTERNATIVE DISPUTE RESOLUTION AND TOLLING

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Attorneys for Defendant DHL Express (USA), Inc.

**STIPULATION AND PROPOSED ORDER TO CONTINUE STAY OF CASE
PENDING ALTERNATIVE DISPUTE RESOLUTION AND TOLLING**

Plaintiff Dwayne Austin (“Plaintiff”) and Defendants Finishline Express (“Finishline”) and DHL Express (USA) Inc. d.b.a. DHL Express (“DHL”) (collectively, the “Parties”), through their undersigned counsel, hereby stipulate as follows:

1. The Parties met and conferred regarding a possible stay and to engage in ADR to attempt to resolve the case, which led to the agreement to schedule a private mediation with experienced mediator Dennis Clifford, Esq.

2. On January 14, 2022, the Parties informed the Court of these efforts by submitting a stipulation to stay the case until May 31, 2022, pending settlement efforts, (ECF No. 6), which the Court approved (ECF No. 8). The Court further tolled the statute of limitations on potential wage claims for the Parties and Class Members. (ECF No. 8.)

3. Currently, Defendants’ respective responses to Plaintiff’s Complaint are due July 25, 2022. The Initial Scheduling Conference was reset to August 25, 2022. (ECF No. 8.)

4. On May 26, 2022, the Parties participated in a remote mediation with Dennis Clifford, Esq. The mediation was unsuccessful, however, the Parties agreed to consider a second mediation.

5. On June 29, 2022, the Parties met and conferred regarding continued alternative dispute resolution and agreed to continue potential settlement discussions, including the exchange of additional documents and information.

6. To allow the Parties to focus on ADR-related process set forth above, and to promote judicial economy, the Parties respectfully request a stay of these proceedings from the date of the filing of this Stipulation until September 2, 2022 (the “Stay Period”). The Parties agree that all deadlines and statute of limitations on potential wage claims shall be tolled for the Parties and Class Members. Such tolling shall begin upon approval of this stipulation by the Court and continue until thirty (30) days after the Stay Period. The Parties further respectfully

request that the deadline for Defendants to file their responses to Plaintiff's Complaint be extended to 30 days after the end of the tolling period.

7. On or before September 2, 2022, the Parties will submit a joint status report apprising the Court as to the status of the settlement discussions.

WHEREFORE, the Parties respectfully request that the Court enter this stipulation as an Order.

Pursuant to Local Rule 131(e) filing counsel represents they have obtained the approval of the undersigned prior to submission.

Dated: July 18, 2022

Respectfully submitted,

/s/ Alexandra K. Piazza

/s/ Amanda L. Iler (as authorized on 7/18/2022)

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ORDER

The court has reviewed the parties' stipulation, ECF No. 11. Good cause appearing, the court orders:

1. The proceeding shall be stayed until September 2, 2022.
2. All deadlines and statute of limitations on potential wage claims shall be tolled for the Parties and Class Members until thirty (30) days after the end of the Stay Period.
3. The deadline for Defendants to file their responses to Plaintiff's Complaint is extended to 30 days after the end of the tolling period.
4. The Initial Scheduling Conference set for August 24, 2022 is VACATED and RESET for November 3, 2022 at 2:30 p.m., with the filing of a joint status report due fourteen days prior.

IT IS SO ORDERED.

DATED: August 2, 2022.



CHIEF UNITED STATES DISTRICT JUDGE